

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN**

---

**EDGAR D. ENCISO,**

Plaintiff,

**-vs-**

**Case No. 11-C-722**

**TALGO, Inc.,  
a wholly-owned subsidiary of  
PATENTES TALGO, S.L.,**

Defendant.

---

**DECISION AND ORDER**

---

The defendant, Talgo, Inc., moves to quash a subpoena served upon Lar Malleis, a Talgo employee who works and resides in the Seattle, Washington area. The plaintiff, Edgar Enciso, failed to respond to this motion in a timely manner. The trial in this matter is scheduled to begin on September 8

The newly-revised version of Federal Rule of Civil Procedure 45 provides that a subpoena can only command a person to testify at a trial within 100 miles of where the person resides, is employed, or regularly transacts business, or within the state where the person resides, is employed, or regularly transacts business if the person is a party or a party's officer, or within the state where the person resides, is employed, or regularly transacts business if the person would not incur substantial expense. Fed. R. Civ. P. 45(c)(1); Fed. R. Civ. P. 45(d)(3)(A)(ii); *see also* Advisory Committee Notes, 2013 Amendment, explaining that "Subdivision (c) is new. It collects the various provisions on where compliance can be required and simplifies them. Unlike the prior

rule, place of service is not critical to place of compliance.”

Therefore, since Seattle is obviously in a different state and more than 100 miles from Milwaukee, the subpoena must be quashed. Talgo’s motion [ECF No. 94] is **GRANTED**.

Dated at Milwaukee, Wisconsin, this 20th day of August, 2014.

**BY THE COURT:**



HON. RUDOLPH T. RANDA  
U.S. District Judge